

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Clarence B. Jenkins Jr.,

PLAINTIFF

v.

South Carolina Department of
Employment Workforce, et al.,

DEFENDANTS

Case No. 3:21-cv-01606-TLW

Order

Plaintiff Clarence B. Jenkins Jr., proceeding pro se, filed this employment action against a host of South Carolina state agencies and the Governor's office. ECF No. 1. Defendants filed a motion to dismiss, Plaintiff filed a response, and Defendants replied. ECF Nos. 9, 24, 29. The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 33.

In the Report, the magistrate judge recommends that Defendants' motion to dismiss be granted because Plaintiff failed to timely exhaust his administrative remedies. *Id.* at 4. After the magistrate judge filed the Report, Plaintiff filed objections and Defendants replied. ECF Nos. 43, 45. This matter is now ripe for decision.

In reviewing the Report, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make

a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the Report and the objections. After careful review of the Report and the objections, for the reasons stated by the magistrate judge, the Report is **ACCEPTED**, Plaintiff's objections are **OVERRULED**, and Defendants' motion to dismiss is **GRANTED**.

IT IS SO ORDERED.¹

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

September 27, 2021
Columbia, South Carolina

¹ In light of this ruling, the remaining outstanding motions in this case, ECF Nos. 36, 39, 40, 44, 46, 50, 52, are terminated as **MOOT**.